

CHAPTER 300
STATE BUILDING CODE—ADMINISTRATION
[Prior to 12/21/05, see rules 661—16.1(103A) to 661—16.500(103A)]

661—300.1(103A) State building code promulgated. Iowa Code section 103A.7 assigns to the building code commissioner authority to promulgate the state building code, with the approval of the building code advisory council, except that adoption of the state historic building code requires the approval of the state historical society board of trustees, rather than the building code advisory council.

The state building code, as authorized by Iowa Code section 103A.7, includes 661—Chapters 16, 300, 301, 302, and 303. The state historic building code is set forth in 661—Chapter 350.

661—300.2(103A) Building code commissioner. The building code commissioner appointed by the commissioner of public safety pursuant to Iowa Code section 103A.4 shall serve as the chief of the building code bureau. The building code commissioner shall adopt, and amend as needed, the state building code, with the approval of the building code advisory council, and the state historic building code, with the approval of the state historical society board. The building code commissioner also shall appoint the board of review from among the council membership. The building code commissioner shall consider any request for the use of alternate materials or methods of construction submitted to the building code bureau pursuant to Iowa Code section 103A.13, and shall either disapprove each such request or shall recommend approval of the request to the building code advisory council.

661—300.3(103A) Building code advisory council. The building code advisory council appointed by the governor pursuant to Iowa Code section 103A.14 shall consider amendments to the state building code proposed by the building code commissioner, other than amendments to the state historic building code. The council shall approve or disapprove any changes to the state building code proposed by the building code commissioner. The council shall also consider and approve or disapprove any requests for use of alternate materials or methods of construction, the approval of which has been recommended to the council by the building code commissioner.

661—300.4(103A) Plan reviews.

300.4(1) Plans and specifications review. Submissions of architectural technical documents, engineering documents, and plans and specifications to the building code commissioner are the responsibility of the owner of the building or facility, although the actual submission may be completed by an authorized agent of the owner or the responsible design professional. “Responsible design professional” means a registered architect or licensed professional engineer who signs the documents submitted. Plans, specifications and other supporting information shall be sufficiently clear and complete to show in detail that the proposed work will comply with the requirements of the applicable provisions of the state building code and with sections 106.1 and 106.1.1 of the International Building Code, 2006 edition. In sections 106.1 and 106.1.1 of the International Building Code, 2006 edition, the word “permit” shall be replaced by “plan review.” Submittals to the commissioner shall be certified or stamped and signed as required by Iowa Code chapters 542B and 544A unless the applicant has certified on the submittal to the applicability of a specific exception under Iowa Code section 544A.18 and the submittal does not constitute the practice of professional engineering as defined by Iowa Code section 542B.2.

Electronic submission of all construction documents is strongly encouraged. Any person planning to submit documents electronically shall contact the bureau for instructions.

a. Architectural technical submissions, engineering documents, and plans and specifications for construction, renovation, or remodeling of all state-owned buildings or facilities, including additions to existing buildings, shall be submitted to the commissioner for review and comment. Subsequently, a written response by the design professional indicating corrective measures taken to address the commissioner's plan review comments shall be submitted to and approved by the commissioner prior to the issuance of construction documents for bidding.

b. Architectural technical submissions, engineering documents, and plans and specifications for the initial construction of any building or facility which will not, when completed, be wholly owned by the state or an agency of the state shall be submitted to the commissioner for review and comment, if the construction is financed in whole or in part with funds appropriated by the state and there is no local building code in effect in the local jurisdiction in which the construction is planned or, if there is such a local building code in effect, it is not enforced through a system which includes both plan reviews and inspections. Subsequently, a written response by the design professional indicating corrective measures taken to address the commissioner's plan review comments shall be submitted to and approved by the commissioner prior to the issuance of construction documents for bidding. This paragraph shall apply only to construction projects which have not received from the building or facility owner final written approval of design development documents prior to January 1, 2007.

c. Architectural technical submissions, engineering documents, and plans and specifications for construction, renovation, or remodeling of all buildings or facilities, including additions to existing buildings, to which the state building code applies, other than those subject to paragraph "a" or "b," shall be submitted to the commissioner for review and comment, unless applicability of the state building code is based upon a local ordinance enacted pursuant to Iowa Code section 103A.12. Subsequently, a written response by the design professional indicating corrective measures taken to address the commissioner's plan review comments shall be submitted to and approved by the commissioner prior to the issuance of construction documents for bidding.

d. If the state building code applies to a construction project based upon a local ordinance adopting the state building code, the submission shall be made to the local jurisdiction, provided that the local jurisdiction has established a building department, unless the local jurisdiction requires submission to the building code commissioner. Review and approval of such documents by the building code commissioner shall be at the discretion of the building code commissioner based upon resources available.

300.4(2) Copies and fees. See 661—Chapters 16, 302, and 303 for fees pertaining to factory-built structures.

a. Copies of the state building code or any portion thereof are available through the Web site of the department of public safety.

NOTE: Codes and standards adopted by reference in the state building code which are published by other organizations, including, but not limited to, the American National Standards Institute, the International Code Council, the International Association of Plumbing and Mechanical Officials, and the National Fire Protection Association, may be purchased from the publishing organization. A copy of each code or standard adopted by reference in the state building code has been deposited in the Iowa state law library.

b. The fees for plan reviews completed by the building code bureau shall be calculated as follows:

Estimated Construction Costs	Calculation of Plan Review Fee
Up to and including \$1 million	\$.58 per thousand dollars or fraction thereof (minimum fee \$200)
Greater than \$1 million	\$580 for the first \$1 million plus \$.32 for each additional thousand dollars or fraction thereof
The plan review fees for fire suppression systems and fire alarm systems are separate fees and shall be calculated as follows:	
Fire Protection System Costs	Plan Review Fee
Fire suppression systems whose construction cost for installation is calculated to be up to and including \$20,000	\$200
Fire suppression systems whose construction cost is estimated to be greater than \$20,000	\$400
Fire alarm systems whose construction cost for installation is calculated to be up to and including \$20,000	\$200
Fire alarm systems whose construction cost is estimated to be greater than \$20,000	\$400

Payment of the assigned fee shall accompany each plan when submitted for review. Payment may be made by money order, check or draft made payable to the Iowa Department of Public Safety—Building Code Bureau.

c. A person who has submitted a plan for review for which a fee has been assessed pursuant to paragraph “b” is eligible to receive a refund of the fee if the plan has not been approved or rejected within 60 calendar days of its receipt by the building code bureau. A person who believes that a refund is due shall notify the building code commissioner who shall provide a form to the person who submitted the plan for review to request a refund. If the request for refund is approved, the building code commissioner shall cause a check for the amount of the refund to be issued to the individual or organization that originally paid the fee. If the original submission of the plan is incomplete, the fee shall be refunded only if the plan has not been approved or rejected within 60 days of a full and complete submission of the plan. “Approved or rejected within 60 days” means that a letter approving or rejecting the plan has been presented or mailed to the submitter within 60 days of the date of receipt by the building code bureau, within the meaning of “time” as defined in Iowa Code section 4.1.

300.4(3) Preliminary meeting. The responsible design professional for a project is strongly encouraged to schedule a preliminary meeting to discuss code compliance issues early in the design development phase. The responsible design professional should contact the bureau to schedule the preliminary meeting. There is no separate fee for a preliminary meeting.

661—300.5(103A) Inspections.

300.5(1) After March 1, 2007, any building or facility for which construction is subject to a plan review by the commissioner, except construction involving any building or facility owned by the board of regents or by any institution subject to the authority of the board of regents, shall be subject to inspection by the commissioner or staff of the bureau or division at the direction of the commissioner or by a third party with whom the commissioner contracts to conduct inspections of buildings and facilities subject to the state building code. Fees for inspections completed by a third party under contract with the building code commissioner shall be paid by the owner of the building or facility directly to the third-party contractor and shall be in an amount specified in the contract. Inspection fees established in a contract with a third party may vary according to the valuation or complexity of the project, or the amount of time required to complete and report upon any required inspections, or the number of inspections required before compliance with the provisions of the state building code is achieved, but shall not vary according to the geographical location within the state of Iowa of the building or facility or according to the travel time required of an inspector.

300.5(2) After July 1, 2007, any construction involving any building or facility owned by the board of regents or by an institution subject to the authority of the board of regents shall be subject to inspection by the commissioner or staff of the bureau or division at the direction of the commissioner.

300.5(3) The fee schedule established in a contract or contracts for inspections conducted by a third party shall apply to inspections conducted by the commissioner or staff of the bureau or division at the direction of the commissioner, except that fees for inspections of buildings and facilities owned by the board of regents or by institutions under the control of the board of regents shall be established as provided in 2006 Iowa Acts, House File 2797, section 72, subsection 2. However, if inspections are conducted by the commissioner, or by staff of the bureau or division at the direction of the commissioner, the fees shall be paid by the owner directly to the bureau.

300.5(4) Any person who performs a building code inspection on behalf of the building code commissioner shall have and maintain one of the following: (1) current certification as a commercial building inspector by the International Code Council, or (2) other equivalent certification approved by the building code commissioner. An employee of the department who performs an inspection on behalf of the building code commissioner shall, in addition, meet any requirements for the job class in which the employee is classified as established by the department of administrative services, pursuant to Iowa Code chapter 8A, subchapter IV, part 2.

EXCEPTION: An employee of the department who performs inspections on behalf of the building code commissioner may perform such inspections for no more than six months prior to obtaining the required certification.

661—300.6(103A) Local code enforcement. Provisions of the state building code applicable state-wide or applicable in a local jurisdiction which has adopted the state building code by local ordinance may be enforced by the local jurisdiction.

Any local jurisdiction which adopts the state building code by local ordinance may further adopt provisions for the administration and enforcement of the building code by the local jurisdiction. These provisions may include administrative provisions contained in the codes adopted by reference as part of the state building code and may include other provisions at the discretion of the local jurisdiction.

300.6(1) Creation of department. There may be established within the governmental subdivision a “building department” which shall be under the jurisdiction of the building official designated by the appointing authority. Within the state building code, including publications adopted by reference within the state building code, the terms “administrative authority,” “authority having jurisdiction,” and “authorized representative” shall mean the building official.

300.6(2) *Powers and duties of building official.* The building official in those governmental subdivisions establishing a building department shall enforce all the provisions of any applicable building code as prescribed by local law or ordinance and as outlined by Iowa Code section 103A.19.

300.6(3) *Permits only.* Any governmental subdivision that has not established a building department but requires a permit to construct or an occupancy permit or both shall be known as the “issuing authority.”

These rules are intended to implement Iowa Code chapter 103A.

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